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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 000705

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TAGS: [PGOV](#) [PREL](#) [MOPS](#) [MARR](#) [ECON](#) [IZ](#)  
SUBJECT: NSA RUBAI ON SOFA, SFA, AND GETTING APPROVAL

Classified By: Ambassador Ryan C. Crocker for reasons 1.4 (b) and (d)

Summary

1. (C) In a wide-ranging March 5 conversation, National Security Advisor (NSA) Muwaffaq al-Rubai shared his views on the Strategic Framework (SF) and the Status of Forces Agreement (SOFA) with Embassy PolMil MinsCouns Marcie Ries and NSC's Brett McGurk. Rubai stressed the delicate political climate in Iraq and the need to keep focus on the strategic agreement, with the SOFA being pursued quietly on a technical track. He suggested re-naming the SOFA -- a term the Iraqi public would not welcome or understand -- and asked to work together on suggestions. Proper socialization and public relations will be essential to a successful outcome. Rubai also gave a read-out on the recent visit of Iran President Ahmadi-Nejad (septel).

Preparing the Ground

2. (C) Ahead of Ambassador Crocker's March 6 meeting with Prime Minister Maliki, McGurk provided additional background on the SF and SOFA to Rubai for use in preparing the PM. McGurk described the difference between the SF and SOFA, the former being short and strategic (with a common vision, covering economic, cultural, diplomatic, scientific, and security spheres), the latter being a critical -- and more technical -- enabler to achieving our common security aims. The SF will be signed by President Bush, Prime Minister, and, we hope, the Presidency Council. Discussion of a text can begin shortly. The SOFA negotiation will be handled by Deputy Foreign Minister Mohammad Haj Hamoud and Ambassador Bob Loftis and their respective teams. The SOFA will be similar in form to SOFAs we have with nearly 80 countries around the world. In the case of Iraq, the SOFA will need to address the issues of combat and detention authorities, as well as jurisdiction over some category of contractors.

3. (C) Rubai responded that the GOI would likely split the SF from the SOFA negotiations. Hamoud and his team are technical people, not political, so it is not appropriate for them to handle the political, strategic document. Rubai confirmed that the Prime Minister is in charge of both negotiations but is committed to securing early support from all communities ) using the PCNS as the vehicle for securing broad support. For the SOFA, the Hamoud team will feed into the Prime Minister, who will brief the Executive Council and the PCNS.

4. (C) Rubai said that we should do what we can to play down the SOFA agreement in the media. It should be seen as the technical part of a broader long-term relationship, which includes non-security dimensions. While the U.S. may have SOFAs with 80 countries, and much of the SOFA may look &normal,8 Rubai emphasized that &Iraq is not normal.8

The name of the SOFA is particularly important since it sets the tone for the negotiations and will be used in public. If it was possible to call the agreement an MoU instead of a SOFA, that might help quite a bit with the Iraqi public. The Iraqis are used to MoUs and, importantly, they do not require CoR approval. The idea would be that the U.S. is not pulling out completely after December (something most Iraqis understand) so we need an MoU for those troops left in the country.8

15. (C) McGurk said that we can discuss the label in the near future; the key point is what the agreement does, and ensuring that it is legally binding. McGurk said the U.S. understands that Iraqi leaders must sell this to their public, and that this process is about Iraqi sovereignty8 and normalizing our relationship. When asked how he thought the media should be handled as negotiations began, Rubai advocated keeping things very muted in the press. In the next few days we can begin to tell the press that we have begun informal discussions of the text and then a few days later let them know that negotiations have begun. It will be important, Rubai stressed again, to socialize the idea of the agreement carefully with the Iraqi public. He noted that the Declaration of Principles will be helpful in this regard.

16. (C) On the SOFA, Rubai suggested that we work closely with Dr. Safa'a, the Deputy NSA and Rubai,s representative on Dr. Hamoud,s SOFA team. Rubai said that Safa'a will ensure that Rubai is briefed regularly, understands the issues, and will be an ally to the U.S. negotiators. Dr. Safa'a is an engineer with a military background who never left Iraq during Saddam,s time.

17. (C) Bio note: Rasul Safa's is well-known to a number of

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Embassy staff members. He is a skilled administrator and enjoys Rubai's confidence. His management of various responsibilities entrusted to him by Rubai has revealed strong organizational ability and team management skills. End bio note.

18. (C) Comment: This meeting served as a prep session for the meeting between Prime Minister Maliki and Ambassador Crocker the following day. The Ambassador in that session briefed the same points and secured approval from the Prime Minister to proceed with negotiations on both the SF and the SOFA. Rubai,s emphasis on needing to proceed carefully, the extreme sensitivity within the Iraqi body politic, and the need to keep a spotlight off the SOFA as a technical enabling agreement, is consistent with what Ambassador Crocker has heard from leaders of all communities in recent weeks. Our negotiating strategy, proceeding on dual tracks and emphasizing the SOFA as an enabler for common security aims, is structured to take this sentiment into account. CROCKER